

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 12/29/2008 Monday Dept: 1A**

**(Posted 12/23/08)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: CF7804 [M] CHASE BANK USA v BUTLER  
Type: COLLECTIONS Date Filed: 11/26/07  
Priority Info: RULE 3.740  
Event: CASE MANAGEMENT CONFERENCE RE JUDGMENT

PLNTFF: CHASE BANK USA NA ATTY: JPMORGAN CHASE LEGAL DEPARTME  
DEFNDT: BUTLER, JOSEPH A ATTY: THURKETTLE ESQ, JEDEDIAH N  
Service Date/Type: 12/20/07 SUB 00 00 00

Tentative Ruling: The parties stipulated to binding arbitration in this matter on January 25, 2008. The matter remains open pending a filing of the arbitration award or dismissal. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 6/29/09.

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2. **1:00 PM** Case: CF7909 [M] CAPITAL ONE BANK v MOREY  
Type: COLLECTIONS Date Filed: 06/30/08  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: CAPITAL ONE BANK ATTY: LEGAL RECOVERY LAW OFFICES IN  
DEFNDT: MOREY, VICTORIA

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 6/1/09.

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3. 1:00 PM Case: CF8104 [M] TARGET NATIONAL BANK v HEGGEN  
Type: COLLECTIONS Date Filed: 06/20/08  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: TARGET NATIONAL BANK ATTY: MANN BRACKEN LLP  
DEFNDT: HEGGEN, SHANTELL M  
AKA: HEGGEN, SHANTELL MELINDA  
AKA: DUDLEY, SHANTELL M

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 6/1/09.

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4. 1:00 PM Case: CF8285 [M] THE BEST SERVICE CO v BARBY  
Type: COLLECTIONS Date Filed: 10/20/08  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
03/16/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: THE BEST SERVICE CO INC ATTY: LAWRENCE & LAWRENCE A LAW COR  
DEFNDT: BARBY, CHERI  
AKA: JUDD, CHERI  
DBA: INSIDE OUT

Tentative Ruling: It appears defendant(s) has filed for bankruptcy protection. The bankruptcy petition information has been filed with this court. The matter is continued for further case management in Dept. 1A at 1:00PM on 6/29/09.

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5. 1:00 PM Case: CV34476 [S] MCGINNESS v MILLER  
Type: QUIET TITLE Date Filed: 03/11/08  
Event: TRIAL SETTING CONFERENCE-CIVIL

Related cases NOT on this calendar: CF7890 ,  
PLNTFF: MCGINNESS, KAREN A. ATTY: HAMILTON, ALAN D. ESQ  
DEFNDT: MILLER JR, JOHN F ATTY: WILLIAMS, CHRISTOPHER D. ESQ  
Service Date/Type: 03/29/08 NAR Answer Date: 05/05/08  
DEFNDT: MILLER, JANET P ATTY: WILLIAMS, CHRISTOPHER D. ESQ  
Service Date/Type: 03/29/08 NAR Answer Date: 05/05/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

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6. 1:00 PM Case: CV34490 [S] HUNTER v RE/MAX  
Type: BREACH OF CONTRACT Date Filed: 03/10/08  
Event: TRIAL SETTING CONFERENCE-CIVIL

PLNTFF: HUNTER, NATHANAEL ATTY: FOLEY, KENNETH M ESQ  
PLNTFF: HUNTER, NICOLE ATTY: FOLEY, KENNETH M ESQ  
DEFNDT: R E BY JONES INC A CALIFORNIA COR ATTY: NELSON, ROBERT D. ESQ.  
Service Date/Type: 03/25/08 PER Answer Date: 07/03/08  
DBA: RE/MAX IN THE COUNTRY  
DEFNDT: ROGERS, HEDY ATTY: NELSON, ROBERT D. ESQ.  
Service Date/Type: 03/25/08 PER Answer Date: 07/03/08  
DEFNDT: RODRIGUEZ, TRACY ATTY: SCOTT, W. STEPHEN ESQ  
Service Date/Type: 04/08/08 PER Answer Date: 06/18/08  
DEFNDT: SEMORE CONSTRUCTION COMPANY ATTY: FOTOUHI EPPS HILLGER & GILROY  
Service Date/Type: 06/03/08 PER Answer Date: 07/02/08  
DEFNDT: MOORE, CLARK ATTY: FOTOUHI EPPS HILLGER & GILROY  
Service Date/Type: 06/03/08 PER Answer Date: 07/02/08  
DEFNDT: RODRIGUEZ, FELIPE ATTY: SCOTT, W. STEPHEN ESQ  
Service Date/Type: 04/08/08 PER Answer Date: 06/18/08

Tentative Ruling: Mediation is scheduled for January 13, 2009. The next Case Management/Trial Setting hearing shall be in Dept. 1A at 1:00PM on 2/23/09.

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7. 1:00 PM Case: CV34497 [S] JOHNSON v CHRISTY  
Type: BREACH OF CONTRACT Date Filed: 03/13/08  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: JOHNSON, DIANE K. ATTY: SAGE, WES ESQ  
DEFNDT: CHRISTY, THOMAS ATTY: GREISEN LAW CORPORATION  
Service Date/Type: 00/00/00 Answer Date: 04/16/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 1 day court trial.

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8. 1:00 PM Case: CV34995 [S] BROWN v TREADAWAY  
Type: REAL PROPERTY Date Filed: 08/14/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

P/TRSTE BROWN, TEDDY ATTY: RUNTE, JOHN A. ESQ  
AKA: BROWN, TEDDY JOSEPH  
AKA: BROWN, TEDDY J  
DEFNDT: TREADAWAY, MICHELLE AREE  
Service Date/Type: 10/10/08 PER 00/00/00  
AKA: TREADAWAY, MICHELLE

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/27/09.

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9. 1:00 PM Case: CV34996 [S] BORGEDALEN v COUNTY OF CALAVERAS  
Type: QUIET TITLE Date Filed: 08/15/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: BORGEDALEN, DEAN H ATTY: SAGE, WES ESQ  
PLNTFF: BORGEDALEN, DARREN ATTY: SAGE, WES ESQ  
DEFNDT: COUNTY OF CALAVERAS C.C.: CALAVERAS COUNTY COUNSEL  
Service Date/Type: 00/00/00 Answer Date: 10/08/08  
DEFNDT: ALL PERSONS KNOWN

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. ("All Persons") Plaintiff must file a proper Proof of Service prior to the next hearing. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 3/30/09.

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10. 1:00 PM Case: CV34998 [S] ADAMS v TRIANO  
Type: FRAUD Date Filed: 08/15/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

P/TRSTE ADAMS, SHIRLEY ATTY: FRANCK & ASSOCIATES  
GDN/AL: ADAMS, SUSAN  
DEFNDT: TRIANO, MICHAEL  
Service Date/Type: 10/20/08 SUB 00/00/00  
DEFNDT: TRIANO, ALISHA  
Service Date/Type: 10/19/08 PER 00/00/00  
DEFNDT: BERGHOUSE AND TRIANO DEVELOPMENT  
DEFNDT: BERGHOUSE, JACK ATTY: LORMON, LAW OFFICES OF REG J.

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/30/09.

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11. 1:00 PM Case: CV35004 [S] FANGER v HCSS INC  
Type: BREACH OF CONTRACT Date Filed: 08/19/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: FANGER, GARY ATTY: STUDLEY, DAVID W. ESQ  
DEFNDT: HCSS INC  
Service Date/Type: 10/30/08 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/27/09.

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12. 1:00 PM Case: CV35010 [S] HITTLE/HALEY v HANDS OF PRAYER  
Type: EMINENT DOMAIN Date Filed: 08/21/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: HITTLE, STEPHEN R ATTY: GERMAIN LAW OFFICES  
PLNTFF: HALEY, ALICIA S ATTY: GERMAIN LAW OFFICES  
DEFNDT: HANDS OF PRAYER  
DEFNDT: COUNTY OF CALAVERAS  
DEFNDT: COMMUNITY FACILITIES DISTRICT

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/27/09.

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13. 2:00 PM Case: CV27316 [S] COUNTY OF CALAVERAS v HACHE  
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 03/08/01  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PLNTFF: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
MINOR: HACHE MINOR P.D.: RUSSO (P.D.), ARLEEN ESQ.  
CUS.PAR FLEMING-RADU, KAREN ATTY: IN PRO PER  
DEFNDT: HACHE, JORGE L ATTY: IN PRO PER  
Service Date/Type: 03/17/01 PER 00/00/00

Tentative Ruling: This is a governmental child support action. This hearing was set to monitor the parties child custody and visitation agreement. As there have been no recent filing, the court presumes the parties' agreement is satisfactory and no further hearings are scheduled at this time.

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14. 2:00 PM Case: CV35009 [S] KEE v KEE  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/20/08  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: KEE, CHRISTOPHER W ATTY: WEISBERG, MICHAEL ESQ  
RESP: KEE, LAURA J  
Service Date/Type: 08/26/08 PER 00/00/00

Tentative Ruling: There are temporary custody orders. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 3/30/09.